August 24, 2020

The Honourable Darryl Plecas  
Speaker of the Legislative Assembly  
Parliament Buildings  
Victoria BC V8V 1X4  
Email: speaker@leg.bc.ca

Dear Mr. Speaker:

Please find attached a report regarding an order made on August 20, 2020, under the Emergency Program Act, RSBC 1996, c. 111 (EPA). This report is presented pursuant to subsection 4 (1) of the COVID-19 Related Measures Act, SBC 2020, c. 8 (CRMA), which requires reports on orders made under Section 10 of the EPA.

Subsection 4 (4) of CRMA requires that this report be laid before the Legislative Assembly as soon as possible.

On August 7, 2020, the Provincial Health Officer (PHO) issued an order on gatherings and events. The order restricts owners and operators from having events with more than 50 patrons/participants. Events of up to 50 patrons are permitted if certain conditions are met, such as controlling access to the event and providing sufficient space for physical distancing. The order also sets a cap on persons present at a social gathering or event in vacation accommodation to maximum 5 individuals, in addition to the occupants.

The attached EPA order establishes the PHO’s order on gatherings and events as an order under the EPA, and establishes certain activities as offences:

- For owners/operators and organizers of events that take place in private or public establishments, exceeding set capacity limits or otherwise contravening restrictions on events;
- For owners/operators and organizers of events and other individuals, promoting or encouraging others to attend events that exceed set capacity limits or otherwise contravene restrictions on events;
- For individuals, failing to comply with directions from enforcement officers, including directions to disperse; and
- For individuals, engaging in abusive or belligerent behaviour towards other persons present at events. This offence also applies in premises as defined under the PHO’s order on restaurants, coffee shops, cafés, cafeterias and licensed premises, including pubs, bars, lounges, nightclubs and tasting rooms.

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The attached order also allows the Minister responsible for the EPA to request information about enforcement activities conducted under this order from enforcement agencies and local governments.

In addition to the attached order, Schedule 2 of the CRMA has also been amended to add the attached order to this Act, effective August 20, 2020, and to establish the expiry date of this order as 90 days after the date on which the last extension of the declaration of a state of emergency, originally made on March 18, 2020, expires or is cancelled. Related amendments to the *Violation Ticket Administration and Fines Regulation (VTAFR)* to authorize enforcement officers to issue violation tickets for offences noted above have also been made. As per existing provisions of the VTAFR, offences related to exceeding set capacity limits or otherwise contravening restrictions on events will be subject to $2000 violation tickets. Present amendments specify that all other offences will be subject to $200 violation tickets.

Members may direct any questions to me in respect of this report and the effects of the attached order.

Sincerely,

George Heyman on behalf of
Mike Farnworth
Minister of Public Safety
and Solicitor General

Attachment
WHEREAS a declaration of a state of emergency throughout the whole of the Province of British Columbia was declared on March 18, 2020 because of the COVID-19 pandemic;

AND WHEREAS additional enforcement measures for gatherings and events are necessary to protect public safety and alleviate the effects of the COVID-19 pandemic;

AND WHEREAS section 10 (1) of the Emergency Program Act provides that I may do all acts and implement all procedures that I consider necessary to prevent, respond to or alleviate the effects of any emergency or disaster;

I, Mike Farnworth, Minister of Public Safety and Solicitor General, order that the attached Gatherings and Events (COVID-19) Order is made.
GATHERINGS AND EVENTS (COVID-19) ORDER

Definition
1 In this order, “Gatherings and Events Order” means the order entitled “Gatherings and Events” made by the provincial health officer on August 7, 2020, as amended from time to time.

Adoption by reference
2 (1) The provisions of the Gatherings and Events Order are deemed to be provisions of this order.
   (2) For certainty,
      (a) a contravention of the Gatherings and Events Order is a contravention of this order, and
      (b) the definitions in the Gatherings and Events Order apply to this order.

Non-compliant gatherings and events
3 Sections 4 and 5 apply to the following social gatherings and events:
   (a) a social gathering or event that contravenes section 1 of the Gatherings and Events Order;
   (b) an event that contravenes section 3 or 8 of the Gatherings and Events Order;
   (c) an event that does not meet the conditions of section 4 of the Gatherings and Events Order.

No promotion or encouragement
4 A person must not promote a social gathering or event referred to in section 3 or encourage another person to attend such a social gathering or event.

Law enforcement officers
5 A person who attends or promotes a social gathering or event referred to in section 3 must comply with any direction given by a law enforcement officer, including a direction to disperse.

Abusive or belligerent behaviour
6 A person must not engage in abusive or belligerent behaviour towards another person
   (a) at a social gathering in vacation accommodation,
   (b) at an event, or
   (c) in any premises, as defined in the order entitled “Restaurants, Coffee Shops, Cafes, Cafeterias and Licensed Premises, Including Pubs, Bars, Lounges, Nightclubs and Tasting Rooms” made by the provincial health officer on July 31, 2020, as amended from time to time.

Compliance by patrons
7 (1) A patron who attends an event must comply with the conditions set out in section 4 (f) and (g) of the Gatherings and Events Order.
   (2) A patron who attends a drive in must
(a) comply with the condition set out in section 8 (a) of the Gatherings and Events Order,
(b) stay in the patron’s vehicle except to use washroom facilities, and
(c) when outside the patron’s vehicle, maintain a distance of two metres from other patrons.

Enforcement information to minister

8 A law enforcement agency and a local government must provide the minister with information in its possession, other than personal information, that the minister requests respecting the enforcement of this order by the law enforcement agency or the local government.